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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,733	01/07/2004	Norman H. Margolus	11656-004009	4737
26161 7590 09/19/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER EHICHIOYA, FRED I	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/752,733

Applicant(s)

MARGOLUS, NORMAN H.

Examiner

Fred I. Ehichioya

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 111 - 113, and 164 - 173 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 111 - 113, and 164 - 173 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to communication filed October 10, 2006.
2. Claims 111 –113, and 164 - 173 are pending in this Office Action.

Response to Arguments

3. Applicant's arguments with respect to claims 111 – 113, and 164 - 173 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. Applicant's amendment overcomes the rejection of claim 164 rejected under 35 U.S.C 112, second paragraph; therefore the rejection of claim 164 rejected under 35 U.S.C 112, second paragraph of last Office Action has been withdrawn.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "diagnoses" in claim 173 is a relative term which renders the claim indefinite. The term " diagnoses " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 111 – 113, and 164 - 173 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 6,636,953 issued to Yuasa et al., (Hereinafter "Yuasa") in view of US Pub. No. 2002/0129168 issued to Kanai et al., (Hereinafter "Kanai").

Regarding claim 111, Yuasa teaches a method by which a client connected to a data repository over a lower speed network connection may provide higher speed access to a data item for application processing than is possible over the relatively low speed connection to the network (see column 40, lines 13 – 21), the method comprising:

assigning an expiration time to the data item (see column 23, lines 60 – 62), before which time both modification and deletion are prohibited (see column 13, lines 10 – 11); and

making a higher speed connection between an application server and the data repository (see column 40, lines 18 – 21).

Yuasa does not explicitly teach digital fingerprint as claimed.

Kanai teaches determining a digital fingerprint of the data item (page 12, [0209]: “a method for checking the data corresponding to the fingerprints recorded in the log table”);

testing for whether the data item is already stored in a repository by comparing the digital fingerprint of the data item to digital fingerprints of data items already in the repository (page 16, [0280]: “checks whether the data having this fingerprint name exists in the fingerprint cache 234 or not”);

only if the data item is not already in the repository, transferring the data item over the lower speed connection from the client to the repository (page 16, [0280]: “checks whether the data having this fingerprint name exists in the fingerprint cache 234 or not. Here it does not exist, so that it is the first time data and this data is entered (registered) into the fingerprint cache”);

executing an application on the application server to process the data item stored on the data repository (page 6, [0101] “when the data (such as reply data) are to be transferred from the server side proxy 230 to the client side proxy 240 by using the HTTP protocol, the server side proxy 230 calculates the fingerprint of that data, and if the data corresponding to that fingerprint exists in the fingerprint cache, it implies that (data with the same content as) this data had been transferred in the past”); and

returning at least some of the processed data to the client across the lower speed connection (page 6, [0101] “so that the server side proxy 230 transfers the corresponding fingerprint value without transferring that data itself”).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Kanai's teaching of "digital fingerprint" would have allowed Yuasa's system to monitor the authenticity of data transmitted. The motivation is that data integrity is preserved.

Regarding claim 112, Yuasa teaches the data repository comprises a plurality of storage sites (see Fig.4 step 2007 and column 39, lines 13 – 14) and rules governing expiration and deletion are distributed to the plurality of storage sites as part of the process of storing data items (see column 4, lines 11 – 20).

Regarding claim 113, Yuasa teaches the expiration time assigned to the data item depends upon an expiration time assigned by the client (see column 13, lines 10 - 14).

Regarding claim 164, Yuasa teaches wherein no action taken by the client can change the expiration time assigned to the data item to an earlier time (see column 38, lines 61 - 62).

Regarding claim 165, Yuasa teaches wherein after the expiration time has passed deletion of the data item is allowed (see column 9, lines 17 – 18).

Regarding claim 167, Yuasa teaches the data repository is a disk-based data storage system (see column 9, lines 61 – 63).

Regarding claim 168, Kanai teaches the application server is separate from and independent of the data repository, and is connected to it by the network (see page 6, [0101]).

Regarding claim 169, Kanai teaches the digital fingerprint is a cryptographic hash of the content of the data item (see page 6, [0099]).

Regarding claim 170, Kanai teaches the data item is encrypted using a key based on the content of the data item (see page 6, [0090]).

Regarding claim 171, Kanai teaches the processed data is returned to the client via a Web browser (see page 6, [0091]).

Regarding claim 172, Kanai teaches the client has a plurality of data items stored in the data repository and the client controls which of the plurality of data items the application server is allowed to access (see page 1, [0007]).

Regarding claim 173, Kanai teaches the application server diagnoses a problem based on the plurality of data items (see page 5, [0088]).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

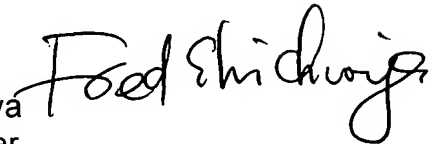
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

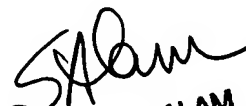
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred I. Ehichioya
Patent Examiner
Art Unit 2162



September 15, 2007



SHAHID ALAM
PRIMARY EXAMINER